

**REMARKS**

Allowance of Claims 6, 7, 9, 10 and 13 is acknowledged.

Claims 5 and 12 have been cancelled. Claims 48-50, the only remaining claims being prosecuted, have been amended to provide that the components of the claimed apparatus are “arranged” in a certain manner so as to provide the desired operation. Non-elected Claims 1-4, 11 and 14-47 have been cancelled in order to reduce the issues involved.

The present Office Action has rejected claims 48-50 as anticipated by Yoshinaga (U.S. 2002/0050508A1) and alleges that the claims are directed to an intended use of an apparatus and that the intended use does not patentably distinguish the claims over the reference.

The Office Action states that Yoshinaga teaches an instrument and component forming an apparatus (FIG. 4: 101 and 102) which has a machining means (51), a friction stir welding means (52) and a plate supply means (moving base 11 of table).

As Applicants understand the rejection, it is alleging that since the reference shows similar components in an apparatus such as those claimed in claims 48-50, the claims do not distinguish over the reference apparatus by use of method limitations in apparatus claims.

Claims 48-50 have been amended to provide that the components of the claimed apparatus are “arranged” in a certain manner so as to provide the desired operation.

Applicants do not believe that Yoshinaga teaches or suggests equipment where a friction stir welding means is arranged to insert a tip tool of a friction stir welding machine only into a second plate up to a position where welding can be effected between the first plate and the second plate.

The components of Yoshinaga are not arranged in a manner that would render obvious the present claimed machining equipment.

In view of the aforementioned amendments and accompanying remarks, claims 48-50, as amended herein, are believed to be in condition for allowance in addition to Claims 6, 7, 9, 10 and 13, and early allowance thereof is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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